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SUITE 1750
ATLANTA GA 30339

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JUN 11 2007

OFFICE OF PETITIONS

In re Application of :
Holt, et al. :
Application No. 08/876,839 : ON PETITION
Filed: June 16, 1997 :
Attorney Docket No. 190251-1270 :

This is a decision on the petition under 37 CFR 1.48(c) to add Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, and Lawrence R. Berke as joint inventors of the above-identified application and the petition under 37 CFR 1.183 to waive the requirement that Evan Kraus provide a statement of lack of deceptive intent (37 CFR 1.48(c)(2)). In addition, this decision addresses the petition under 37 CFR 1.182 requesting entry of an amendment to the specification to insert a reference to earlier-filed applications pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition. All petitions were filed on January 3, 2006.

The petition under 37 CFR 1.183 to waive 37 CFR 1.48(a)(2) is **GRANTED**.

The petition under 37 CFR 1.48(c) is **GRANTED**.

The petition under 37 CFR 1.182 to enter an amendment to the specification regarding benefit of priority to prior-filed applications is **GRANTED**.

Petitions Re: Change in Inventive Entity

The application was filed on June 16, 1997. Two joint inventors were listed on the declaration filed on that day: Scott Crandall Holt and Christopher Bertram Medders. Petitioners seek to add Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, and Lawrence R. Berke as joint inventors of the above-identified application, due to claim amendments.

Rule 48 provides in pertinent part:

(c): *Nonprovisional application-inventors added for claims to previously unclaimed subject matter.* If a nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application, the application may be amended to add claims to the subject matter and name the correct inventors for the application. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43, or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioners have complied with the requirements listed above.

With respect to (2) and (3) above, it is noted that a petition under 37 CFR 1.47(a), filed January 3, 2006, was granted March 1, 2007. This decision recognized Evan Kraus' refusal to join in the prosecution of this application. Therefore, Mr. Kraus' refusal to sign a lack of deceptive intent statement is strongly implied. A statement of lack of deceptive intent was purportedly transmitted to Mr. Kraus for his signature when the application and declaration were transmitted. Mr. Kraus refused to sign the declaration and assignment documents during a telephone call with Mr. Benjamin A. Balser. The Office finds this to be a constructive refusal to sign the lack of deceptive intent statement, as well. Accordingly, the petition under 37 CFR 1.183 to waive 37 CFR 1.48(c)(2) is **granted**.

Mr. Kraus' failure to sign the declaration is excused due to the March 1, 2007 granting of the Rule 47(a) petition. Therefore, (3) above is satisfied.

The petition under 37 CFR 1.48(c) is **granted**. The inventorship of this application has been changed by the addition of Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, and Lawrence R. Berke as joint inventors of the above-identified application.

Petition to Enter Delayed Benefit Claim

The above-noted application failed to make a specific reference to the prior-filed applications; namely, 08/469,491, filed June 6, 1995, and 07/936,384, filed August 26, 1992, when the application was filed. It is noted that the application was filed on June 16, 1997 and that two CPAs have been filed, on July 19, 2000 and on February 6, 2002. A petition to accept an unintentionally delayed claim under 37 CFR 1.178(a)(3) and the surcharge under 37 CFR 1.17(t) are not required in the CPA since the rule specifically provides for an exception for continued prosecution applications.

Petitioner now requests that the abandoned application (due to the filing of CPAs) be amended by inserting a reference to the earlier-filed applications. The petition is accompanied by an amendment to include a reference to the prior-filed applications in the first line of the specification following the title of the invention. Pursuant to petitioner's authorization, deposit account no. 20-0778 will be charged the required \$130.00 petition fee, pursuant to 37 CFR 1.17(h).

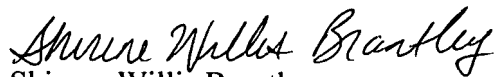
35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. *See Sampson v. Commissioner of Patents and Trademarks*, 195 USPQ 136 (DC DC 1976).

In view thereof, the request for entry of an amendment to insert a reference to the above-noted, earlier-filed applications is **granted**. The amendment has been entered.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications and lists all the joint inventors, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

This application is being forwarded to Publications Division for processing into a patent.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
08/876,839	06/16/1997	2614	4186	192600780	16	4

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CONFIRMATION NO. 5436

CORRECTED FILING RECEIPT



OC000000024251762

Date Mailed: 06/06/2007

Receipt is acknowledged of a CPA in this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

SCOTT CRANDALL HOLT, DECATUR, GA;
CHRISTOPHER BERTRAM MEDDERS, WOODSTOCK, GA;
DRINA C. YUE, CENTRAL, HONG KONG;
RAYMOND J. SMETS, ALPHARETTA, GA;
THOMAS JOSEPH MOQUIN, ALPHARETTA, GA;
EVAN KRAUS, ATLANTA, GA;
TERRY DURAND, ROSWELL, GA;
LAWRENCE R. BERKE, ALPHARETTA, GA;

Power of Attorney: The patent practitioners associated with Customer Number **24504**.

Domestic Priority data as claimed by applicant

This application is a CIP of 08/469,491 06/06/1995 PAT 5,764,747
which is a CON of 07/936,384 08/26/1992 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 11/14/1997

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US08/876,839**

CPA filed on: 07/19/2000

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND APPARATUS FOR ROUTING CALLS BASED ON IDENTIFICATION OF THE
CALLING PARTY OR CALLING LINE

Preliminary Class

379

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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